

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	4:04CR3159
)	
Plaintiff,)	
)	
v.)	MEMORANDUM
)	AND ORDER
MICHAEL SIWEK,)	
)	
Defendant.)	

This matter is before the court on the Magistrate Judge's Report, Recommendation, and Order (filing 30) and the objections to the recommendations therein (filing 31), filed as allowed by 28 U.S.C. § 636(b)(1)(C) and NELR 72.4. Filing 30 recommends denial of Defendant's motion to suppress physical evidence (filing 17) and grant of his motion to suppress statements (filing 18). The government conceded the motion to suppress statements during the evidentiary hearing and has not objected to the recommendation that it be granted. (See Filing 30.) The Defendant has objected to the recommendation for denial of the motion to suppress physical evidence. (Filing 31.)

I have conducted, pursuant to 28 U.S.C. § 636(b)(1) and NELR 72.4, a de novo review of the portions of the Report, Recommendation, and Order to which objections have been made. Inasmuch as Judge Piester has fully, carefully, and correctly applied the law to the facts, I conclude that the recommendations in filing 30 should be adopted, the Defendant's objections to the Report, Recommendation, and Order (filing 31) should be denied, the Defendant's motion to suppress physical evidence

(filing 17) should be denied, and the Defendant's motion to suppress statements (filing 18) should be granted.

IT IS ORDERED:

1. The Magistrate Judge's recommendations in filing 30 are adopted;
2. The Defendant's objections to the recommendations (filing 31) are denied;
3. The Defendant's motion to suppress physical evidence (filing 17) is denied; and
4. The Defendant's motion to suppress statements (filing 18) is granted.

April 19, 2005.

BY THE COURT:

s/Richard G. Kopf
United States District Judge